

IN THE SENATE

SENATE BILL NO. 1324

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO STATE GOVERNMENT AND STATE AFFAIRS; AMENDING SECTION 67-2310, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LICENSURE REQUIREMENTS FOR SUBCONTRACTORS NAMED ON CERTAIN BIDS AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-2310, Idaho Code, be, and the same is hereby amended to read as follows:

67-2310. SUBCONTRACTORS TO BE LISTED ON BID OF GENERAL CONTRACTOR -- EXCEPTIONS. (1) Hereafter, before the state of Idaho, the separate counties, cities, towns, villages or school districts within the state of Idaho shall let contracts for the construction, alteration or repair of any and all buildings, improvements or public works, and such construction, alteration or repair requires plumbing, HVAC work, or electrical work, the general contractor shall be required to include in his bid the name, or names and address, or addresses, of the subcontractors who shall, in the event the contractor secures the contract, subcontract the plumbing, HVAC work, and electrical work under the general contract. In the event that the general contractor intends to self-perform the plumbing, HVAC or electrical work, the general contractor must be properly licensed by the state of Idaho to perform such work. The general contractor shall demonstrate compliance with this requirement by listing the valid contractor's license number for the plumbing, HVAC or electrical work to be self-performed by the general contractor on the bid form.

(2) No general contractor shall name any subcontractor in his bid unless the general contractor has received communication from the subcontractor. For the purposes of this section, "communication" shall include telephone, mail, facsimile machine, in person, or by computer using the internet or a bid service.

(3) In the event a general contractor secures the contract, and if the general contractor and a named subcontractor cannot finalize the terms of agreement between them for any reason other than cost, the general contractor shall name another subcontractor by written notification within ten (10) days of being awarded the public works contract. The general contractor shall disclose to the public entity the cost for work to be performed by the substitute subcontractor. If the amount of the substitute subcontractor's bid is less than the original subcontractor's bid, the reduction in cost shall be passed through to the benefit of the public entity which awarded the contract.

(4) This act shall not apply to the construction, alteration or repair of public buildings under the jurisdiction of the board of regents of the University of Idaho.

1 (5) This act shall have no application to the preparation and
2 submission of plans and specifications pursuant to statute or local
3 ordinance.

4 (6) Failure to name subcontractors or list the valid contractor's
5 license number for plumbing, HVAC or electrical work being self-performed by
6 the general contractor as required by subsection (1) of this section shall
7 render any bid submitted by a general contractor unresponsive and void.

8 (7) At the time subcontractors are named in accordance with the
9 provisions of this section, they must possess the appropriate licenses
10 or certificates of competency issued by the state of Idaho covering the
11 contractor work classification in which each respective subcontractor is
12 named. The provisions of this subsection (7) shall not apply in those cases
13 where the public works contract is financed in whole or in part by federal
14 aid funds, provided that, at or prior to the award and execution of any such
15 contract by the state of Idaho or any other contracting authority mentioned
16 in subsection (1) of this section, the successful bidder has secured a
17 license as provided in this chapter.